

APPEAL NO. 042389
FILED NOVEMBER 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 25, 2004. The hearing officer resolved the disputed issues by deciding that: (1) the respondent's (claimant) compensable injury of _____, includes an injury to the left shoulder; (2) the claimant's date of maximum medical improvement (MMI) and impairment rating (IR) could not be determined at the time of the CCH; and (3) Dr. A was not properly appointed as a designated doctor. The appellant (carrier) appeals the hearing officer's determination that the claimant's compensable injury includes an injury to the left shoulder, contending that such determination is against the great weight and preponderance of the evidence. No response was received from the claimant. There is no appeal of the hearing officer's determinations on the issues of MMI, IR, or designated doctor.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. Whether the compensable injury includes an injury to the claimant's left shoulder was a fact issue for the hearing officer to determine from the evidence presented. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's determination regarding the left shoulder is supported by the claimant's testimony, certain medical records, and the opinion of the current treating doctor. We conclude that the hearing officer's determination that the claimant's compensable injury includes an injury to the left shoulder is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge